

Attorney Docket No: 02312/2042 (Serial No.:09/589,777)

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Amendment After Final Office Action

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AMENDMENTS

In the Claims

Please amend claims 12 and 35 as follows:

12. (Amended) The fusion protein of Claim 11, further comprising at least one protein molecule selected from the group consisting of: restin, endostatin, angiostatin, apomigren, and EM 1.

35. (Twice Amended) An isolated mutant, derivative, analog or homolog of EM 1, having anti-angiogenic activity.

Amendments to the claims are indicated in the attached "Marked Up Version of Amendments" (page i).

REMARKS

Claims 2-4, 11-16 and 35 are currently pending in the application. Claims 2-4 and 11-16 are allowed. Claims 12 and 35 are amended. The amendments find support in the specification and are discussed in the relevant sections below. No new matter is added.

Rejection Under 35 U.S.C. § 112, First Paragraph

The Examiner has stated that claim 35 remains rejected under 35 U.S.C. § 112, first paragraph, on the grounds that a mutant or derivative of EM1 could be any molecule derived from claim 2. The Examiner has also stated that the rejection can be overcome if the claim were to recite what function the molecule must possess.

Applicant has amended claim 35 to recite that the molecule must possess anti-angiogenic activity. This amendment is supported by claim 35 as originally filed, which recited "the EM 1 of Claim 2". As claim 2 recited an EM1 possessing anti-angiogenic activity, it therefore follows